

Article 17 – Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows

25.17.01 – Public Use Space

- a. *Purpose* – Public use space requirements are intended to promote an appropriate balance between the built environment and public parks and other spaces intended for respite from urban development, protect natural features, and protect and preserve the character of the City.
- b. *General Requirements* – Where provided, such space must be accessible for use and enjoyment by the general public, and may include space so located and treated as to enhance the amenity of the development by providing landscaping features, screening, or a general appearance of openness.
- c. *Dedication of Public Use Space* – Land may be dedicated to the City for public use in connection with the approval of a site plan or subdivision for the purpose of providing public parks, green areas, or recreation areas that will be owned and operated as part of the City’s public park system. Dedication must be made consistent with the recommendations of the relevant Plan indicating the locations where such public use space is desired.
- d. *Fee in Lieu of Public Use Space Requirements*
 1. The Approving Authority may approve the payment of a fee in lieu of some or all of the public use space requirement under one (1) or more of the following circumstances:
 - (a) The required area is too small to provide an effective, usable public use space;
 - (b) The City could use the fee to provide and/or improve another more usable public space in the vicinity of the project; or
 - (c) The site cannot realistically provide the required area for public use and meet all of the other city development standard requirements.
 2. The foregoing circumstances are presumed to have been met where there is the option to pay fee-in-lieu of some or all of the public use space requirement pursuant to Sec. 25.13.05.c.5.
 3. Any approved fee in lieu of the public use space requirement shall be paid in an amount to be set by resolution of Mayor and Council.

25.17.02 – Landscaping and Screening

- a. Landscaping and Screening Manual - Landscaping and screening is required in all zones in accordance with the Landscaping and Screening Manual and the Forest and Tree Preservation Ordinance (Chapter 10.5 of the Code). ~~This The Landscaping and Screening manual will provide~~ information and guidance on matters such as:
 1. ~~Who may~~ How to prepare landscape plans;
 2. ~~An approved plant list~~ Appropriate use of plants;
 3. Screening requirements (including items such as depth, maintenance, location, etc.);
 - ~~Eradication of invasive species;~~
 4. Maintenance; and
 5. Lighting standards.
- b. Approving Authority Requirements - The Approving Authority may impose reasonable requirements relating to the nature and type of the screening for any such lot, and may require additional screening in such manner and of such materials that may be reasonably necessary to adequately screen such lot from view from the adjacent residential street.
- c. Screening of Parking Areas Required in the MXT Zone – In the MXT Zone, off-street parking areas required by this Chapter must be screened in such a manner and to the extent reasonably required in order to minimize the visibility of such areas to residential zones and to public streets and walkways.
- d. Screening of Mechanical Equipment Required in All Zones Other Than Residential Low Density Single Dwelling Unit Residential Zones – In all zones other than the ~~Residential Low Density Zones~~ Single Dwelling Unit Residential Zones, all air conditioning equipment, transformers, elevator equipment, and similar mechanical equipment on any roof, ground, or building must be screened from public view. Such screening must be done in such a manner and with such materials as may be reasonably required.
- e. Screening of Trash Enclosures Required in All Zones Other Than Residential Low Density Single Dwelling Unit Residential Zones – In all zones other than the ~~Single Dwelling Unit Residential Zone, Residential Low Density Zones~~, all trash

storage areas shall be inside a building or screened in such a manner and with such materials as may reasonably be required.

25.17.03 – Underground Installation of Utility Lines Required; Screening or Underground Installation of Transformers; and Equipment Lockers Required

a. Underground Installation of Utility Lines and Cables

1. Underground Installation Required - In all zones, electric, telecommunication, television, and other utility lines, and cables, ~~and equipment~~ must be installed underground in connection with the development or redevelopment of any land wherever an extension or relocation of ~~the same~~ a contiguous segment of said lines or cables is required in connection with such development or redevelopment. All underground lines and cables shall be placed in a public utility easement, or otherwise on private property. No utilities may be placed in the public right-of-way or on City property without the express written permission of the City, and subject to such terms and conditions that the City may require.
2. Exception – In all zones, for good cause shown, the Planning Commission may approve the extension and/or relocation above ground of electric utility lines not providing direct permanent service in connection with the development or redevelopment of any land within a comprehensive planned development, provided that any such extension and/or relocation may be approved by the Chief of Planning for any application filed prior to December 1, 1995. Conditions may be attached to any such approval in order to ensure the health, safety, and welfare of persons and property in the neighborhood. Notwithstanding the above, prior to the issuance of an occupancy permit for any development or redevelopment within a comprehensive planned development south of Wootton Parkway and east of Interstate 270, any electric utility lines providing direct service to the development, which have been previously approved for extension and/or relocation above ground, must be installed underground.

- b. Placement of Utility Equipment – Except as otherwise provided, ~~The preferred placement of all electrical equipment; (including transformers; and equipment cabinets), telecommunications equipment, and television equipment (including cable television) shall be located as follows: is below ground. In recognition that placement underground is not always the more appropriate location the following requirements apply:~~

1. In all residential zones, electrical, telecommunications, and television equipment ~~are required to~~ must be placed below ground or in an enclosed building.
2. In the MXTD, MXCD, MXT, MXE, and MXNC Zones, electrical, telecommunications, and cable television equipment must be placed underground or in an enclosed ~~in a~~ building.
3. In all other zones, electrical, telecommunications, and television equipment ~~are required to~~ may be placed ~~below~~ above ground ~~on~~ and outside of an enclosed building only if incorporated into a building unless the following requirements are satisfied:
 - (a) Screening is required on four (4) sides of the equipment at a minimum of 80% opacity. This screen may consist of either vegetative or building materials. The side for access may be a gate.
 - (b) ~~Enclosures made of building materials must be designed in a manner that is complementary to the existing building architecture including material and scale. Vegetative screening must use plant material that will result in 80% opacity within one (1) growing season.~~
 - (c) Screening made of building materials must be designed in a manner that is complementary to the existing building architecture including material and scale.
 - (d) Where practical, all above ground electrical, telecommunications, and television equipment not incorporated into a building must be clustered with other utility equipment and dumpsters, trash enclosures, and generators, and shall be located in an inconspicuous manner so as to blend in with the landscaping and topography of the site. The side of the screening enclosure that provides access to the equipment must be oriented and either gated or screened in a manner that provides access while minimizing the visual impacts of the equipment.
 - (e) The location and screening of all above ground electrical, telecommunications, and television equipment must be approved by the Approving Authority as part of the applicable site plan review.
4. Exceptions - The provisions of this subsection b do not apply to wireless communication facilities, related structures, and equipment, installed in accordance with the provisions of Section 25.09.08.

c. Waiver of Requirements

1. Upon finding that installing utility equipment within an enclosed building is not feasible, the Planning Commission may grant a waiver of any requirement of this Section, 25.17.03, for the placement of equipment underground for any of the following reasons:
 - (a) A unique or peculiar site condition provides a physical impediment to installing equipment underground; or
 - (b) It would be unsafe to locate the equipment underground; or
 - (c) The equipment cannot successfully operate below ground.
2. The Planning Commission may allow equipment that has been placed underground to be reinstalled above ground if the owner of such equipment can demonstrate and fully document that such equipment has resulted in service degradation in violation of state or federal laws or regulations or contrary to the terms of any governing contractual agreements, and that reasonable improvements in maintenance and/or equipment cannot restore and/or improve the quality of service.
3. All utility equipment installed above ground pursuant to this subsection c must satisfy the location and screening requirements of subsection b. 3.
4. All equipment must comply with the noise requirements of Chapter 31B of the Montgomery County Code, as amended.

c. Placement of Equipment

- ~~1. With the approval of the City's Department of Public Works, electrical, telecommunications, and television equipment may be placed above ground in a dedicated public utility easement (PUE), in the right-of-way where no PUE exists, or on City-owned property subject to an easement between the telecommunications service provider and the City of Rockville. All equipment so installed is subject to the screening requirement above.~~
- ~~2. Siting of electrical, telecommunications, and television equipment in the public utility easement, public right-of-way, or on City-owned property must be done in such a manner so that the line of sight for traffic along the right-of-way is not impaired, and the negative visual impacts on the streetscape and on individual properties where the equipment is located are minimized.~~

- ~~d. All above ground equipment on a site must be clustered with other utility equipment, where practicable.~~

25.17.04 – Lighting

- a. *Purpose* – The purposes of lighting requirements are to:
 1. Protect against glare and spillover of light onto adjacent properties or into the sky;
 2. Protect against glare onto public rights-of-way that can impair vision of motorists, pedestrians, and bicyclists;
 3. Increase nighttime utility, safety, security, and productivity of the sites where lighting is provided;
 4. Foster the nighttime use of property; and
 5. Protect the privacy of residents.
- b. *Lighting Manual* – Lighting must be provided in accordance with the requirements and guidelines of the *Lighting Manual* approved by resolution of the Mayor and Council. This manual will provide information and guidance on matters such as:
 1. Design of light fixtures;
 2. Types of bulbs;
 3. Cut-off requirements;
 4. Height of light standards;
 5. Recommended maximum and minimum foot-candles;
 6. Special provisions for high-density and entertainment districts; and
 7. Other appropriate provisions.

25.17.05 – Sidewalks

- a. *Purpose* – The purpose of sidewalk ~~requirements~~ provisions are to:

1. Encourage a safe pedestrian-oriented environment;
2. Help create a visually attractive streetscape;
3. Provide connectivity among surrounding properties and uses;
4. Promote overall commerce; and
5. Provide attractive pedestrian connections to transit centers.

b. *Sidewalk ~~Standards~~ Guidelines*

1. In cases where sidewalk standards are recommended in the Plan or within design guidelines adopted by the Mayor and Council, such standards must be complied with.
2. The following table sets forth the design ~~standards~~ guidelines for sidewalks in specific locations not otherwise regulated above:

**Sidewalk Design ~~Standards~~ Guidelines for Areas Other Than
Single Unit Detached Residential Areas¹**

	Streets with a Parking Lane/Bike Lane Normal Minimum⁴	1 to 3 Travel Lanes Streets²	4+ Travel Lane Streets²
Buffer/Tree Lawn^{3,2}	7 feet	10 feet	13 feet
Clear Path	6 feet	8 feet	10 feet
Amenity/Safety Area (if provided)	7 <u>2</u> feet	7 feet	7 feet
TOTAL^{4,3}	20 15 feet	25 feet	30 feet

Notes:

1. Minimum widths may be waived by the Approving ~~Body~~ Authority for short portions of a sidewalk.
2. ~~With no parking lane or bike lane.~~
3. ~~2.~~ Tree lawn width is measured from the back of the curb to the edge of the sidewalk.
4. ~~3.~~ The Total width is from back of curb to building face.
4. See the City of Rockville Bike Master Plan for more details on bikeway requirements.

3. Except as otherwise provided in subsections 25.17.05.b. 1 and 2 above, sidewalks must meet the minimum requirements of the “Standards and Details for Construction” manual issued by the Department of Public Works.

25.17.06 – Shadows, General Regulations

- a. In the MXTD, MXCD, MXE, IH, and RMD-25 Zones, developments must be so planned in relation to one another that no building will cast a shadow between 10:00 a.m. and 2:00 p.m. on December 21 on existing or approved structures that are principally (i.e., 50% or more) residential or on existing designated historic structures. This requirement does not apply to residential towers in a single development separated by a distance at least equal to the height of the tallest residential building in the proposed development and having a length less than ten percent (10%) greater than width.
- b. Areas designed or intended for use as publicly-accessible use space, parks, or other green area must be located where they will receive direct sun for a cumulative total of at least two (2) hours between the hours of 8 a.m. and 4 p.m. on December 21.

25.17.07 – Environmental Guidelines

- a. *Purpose* – All development must be accomplished in accordance with the *Environmental Guidelines* adopted by resolution of the Mayor and Council.
- b. General Allowance of Certain Environmental Facilities – Rain barrels, rain gardens, and other nonstructural environmental facilities are permitted, as needed.